



## Lamoine Board of Selectmen Minutes of November 17, 2005

Chairman Jo Cooper called the meeting to order at 7:08 PM.

Present were: Selectmen Richard Fennelly Jr., Perry Fowler, Cynthia Donaldson, S. Josephine Cooper (Selectman Brett Jones had informed the board prior to the meeting he would be unable to attend); Administrative Assistant Stu Marckoon, Robert Alvarez, Wanda Jordan, Steve Salsbury, Tim Gott, Code Enforcement Officer Dennis Ford and Harbor Master Gerald Ford

### **Agenda Review**

Stu noted four addenda items were added. Cynthia said she had two minor matters to bring up at the end. The Board made no changes to the agenda order.

### **Minutes of November 3, 2005**

Richard had two minor corrections to the minutes. Perry moved to approve the minutes. Jo 2<sup>nd</sup>. **Vote in favor was 4-0.**

### **Request for Tax Abatement – Douglas & Beverly Coleman**

Stu said the recommendation from the Board of Assessors is that the abatement be denied because the municipal officers are barred by law from granting abatements for errors in valuation. Cynthia said it seems pretty clear the Selectmen cannot grant the abatement. Richard asked for clarification, and a short discussion ensued regarding errors in valuation vs. errors in assessment.

Bob Alvarez said it sounded like the assessors were correct in their recommendation and asked if the decision is being explained to the Colemans. Jo said the letter drafted to the Colemans is pretty clear.

Cynthia moved to deny the abatement request from the Colemans and to sign the letter as drafted with the understanding that the Board of Assessors would be in touch with the Colemans. Jo 2<sup>nd</sup>. **Vote in favor was 4-0. Selectmen signed the letter and the abatement forms.**

### **Salt/Sand Shed**

Stu said he distributed a letter from the Maine DEP to the town and to Nankervis Trucking with the materials set out for the Selectmen this evening.

Jo said she thought there was supposed to be an asphalt pad at the salt/sand storage location. Wanda Jordan of Nankervis Trucking said there is. Perry asked if the letter from the DEP is all they found for violation; i.e. they didn't find the asphalt pad and the

edges were not clean. Ms. Jordan said that was correct. She said Mr. Nankervis would like to build a frost wall that would stop the run-off when it rains. She said they covered the salt/sand pile with recycled asphalt last winter and with a tarp at the end of the plowing season.

Perry asked if the issue is not enough sealed curbing to contain the runoff. Ms. Jordan asked if they needed a building permit to construct a frost wall. Jo said she didn't understand the concept of a frost wall. Perry said it sounds quite expensive. Jo asked if the wall would be around the periphery of the pile. Ms. Jordan said yes.

Jo said the letter from the DEP indicated that Nankervis Trucking would temporarily use the Hancock Salt/sand shed stockpile for Lamoine. She asked how it would work with the Town of Hancock. Ms. Jordan said Nankervis also purchases the salt and sand for their work in Hancock, and the town supplies the shed. She said they want to temporarily store the salt/sand there so they can clean up the Lamoine location. A short discussion followed about storing the material in Hancock. Ms. Jordan noted that it increases the transportation cost dramatically.

Jo noted there is one more season left on the contract with Nankervis after the upcoming winter. She said she's never liked the Needles Eye Road pile location, and she's not happy about the neighbor's trees dying. She said she wondered if there might be other solutions. Ms. Jordan said she was open to suggestions.

Tim Gott suggested pouring a concrete curb on top of the existing asphalt pad as an alternative to the frost wall idea. Richard asked how that would get rid of trapped water. Mr. Alvarez said pads are useless for open piles. He said the DEP is forcing people to spend money foolishly. Mr. Gott said the town will eventually have to build a salt/sand shed. He said there would be some seepage from the pad using his idea. Ms. Jordan said they are willing to do whatever it takes to come into compliance. Jo said it doesn't seem to make much sense to spend money on a non-permanent solution. Mr. Gott said his plan is easily disposed of when they're done. Perry said it's not up to the town to come up with the solution. He said the contractor is looking for something they can do quickly and inexpensively to comply. Jo said she would be satisfied as long as it meets the DEP requirements. She said using the storage building in Hancock would work better.

Cynthia asked about the time frame. Ms. Jordan said the DEP wants a written plan about what they intend to do within 10-days and the violations cleared within 30-days. Jo asked if the DEP signs off on the solutions. Stu said they should on the salt/sand pile issues. Jo asked Ms. Jordan if Nankervis was responsible for any fines that might result. Ms. Jordan said yes.

Stu said Ms. Jordan asked whether a building permit is required. He said that would be best referred to the Code Enforcement Officer. Dennis Ford, the CEO, told Ms. Jordan to do up a plan and he would go over it with her. Jo said she appreciated the effort from Nankervis Trucking. Ms. Jordan said again they would do whatever it takes.

Stu said the bigger question is whether it's time for the town to construct a salt/sand shed. A short discussion followed on whether a variance is possible to locate the structure over the aquifer. Selectmen asked that the DEP be invited to a future meeting. Jo said this should go on an agenda pretty soon. Cynthia asked that the budget committee be present as well.

**Proposal from Doug Gott & Sons to lease land**

Steve Salisbury distributed a map and pictures to the Selectmen with a proposal to lease town land. He said they wish to lease the land on which Gott purchased stumpage and removed the gravel for the purpose of stockpiling sand and rock. He said the pictures represent the site at the moment and explained how the area is currently configured and which areas have been restored.

Perry asked how long the lease would cover. Mr. Salisbury said a few years. Mr. Gott said his company is digging on their land and they need to come in and keep moving over the town land. He explained how they are waiting to landscape the area. He said it takes time to remove the material. Perry said it was generous of Mr. Gott to offer to lease the land as the town might never have known it was being used. Mr. Salisbury said the original agreement was to restore the land after the gravel was removed. Perry asked if restoration has been done by the landfill. Mr. Gott said it was, and further explanation of the pictures ensued.

Mr. Salisbury said they would prefer a long-term lease. Jo said she wouldn't mind so long as the lease states exactly the purpose it is for. Mr. Salisbury said it would be just for storage of sand and rock materials. Stu said he wondered if this would require town meeting approval. Jo asked how much money would be involved. Mr. Gott said \$2,500 per year. Perry said that sounded good to him.

Mr. Alvarez said the town is in sort of a silly position. He said the town ought to sell the land to Gott and get out of the gravel business. He said there are liability problems for the town with restoration requirements. Perry said selling the land would put it back on the tax rolls. Mr. Gott said his company might be interested in purchasing that section of land behind the capped landfill. He said the town doesn't want to sell its high head of gravel to the east of the landfill. He said they were talking about a lease because they own both sides. He said a sale could be discussed. He said he didn't care how long the lease was, they just wish to avoid an operations gap.

Perry asked about the area to the right and whether Gott had extracted gravel from there. Mr. Gott said there isn't much there, as they've run into clay. Jo said the offer makes sense, and the Selectmen could take it to the town to see. Mr. Gott said he would have Mr. Salisbury write up a proposed lease to give to Stu to present to the Selectmen. Stu noted the regular town meeting is in March.

Jo suggested that Mr. Salisbury do both a lease and a purchase agreement for review. Mr. Salisbury asked if the town would have to put it to bid to be sold. Stu said he could check

on that. Mr. Gott asked if he understood correctly that the Selectmen wished to have proposals for both a lease and a sale. Jo said that was correct.

Mr. Alvarez suggested it would be a good idea to run any sale proposal past the DEP in regard to how much of a buffer they want around the dump.

Jo said it would be beneficial to both the Town and for Gott if they could come to an agreement that makes sense. A short discussion followed about putting a salt/sand shed on the former Anderson lot.

#### **Fire Department Cleaning Change Order**

Stu said Mary Harney found that painting the ceiling at the fire station was a much more practical solution than attempting to clean it. He said the change order was in order to purchase the paint which was not included in the cleaning proposal. He said he spoke with the fire chief earlier in the evening who agreed to it. Jo moved to approve the change order. Perry 2<sup>nd</sup>. **Vote in favor was 4-0. Selectmen signed the order.** Cynthia asked if change orders were generally approved before the change occurs. Stu said that would be correct.

#### **Christmas/New Year Schedule at Transfer Station, Town Hall**

The board discussed the proposed opening times around the holidays. It was agreed to have the transfer station open on December 30<sup>th</sup> 8am to 5pm and December 31<sup>st</sup> the same hours with extra pickups on both days to handle the expected Christmas trash. The transfer station will close at noon-time on December 24<sup>th</sup> in observance of Christmas Eve.

The town hall will be open as normal on December 31<sup>st</sup> (8am to noon) to handle year end transactions.

Selectmen asked Stu to make sure it was well publicized.

Asst. Town Clerk Kathy DeFusco phoned to let the Selectmen know that was her Saturday to work.

#### **Vacation Days - Administrative Assistant**

Selectmen did not oppose Stu taking the following days as vacation days:

November 25<sup>th</sup>

December 16<sup>th</sup>

December 27<sup>th</sup>

December 28<sup>th</sup>

#### **Cable TV Meeting**

Stu reported the meeting with Adelphia was postponed.

#### **Municipal Review Committee Delegate Vote**

Jo moved to cast Lamoine's vote for Michael Garrett. Perry 2<sup>nd</sup>. **Vote in favor was 4-0.**

### **Drug Free Safe Zone**

Stu suggested routing a flyer from the Sheriff's Department to the school committee. Cynthia asked if children use other places in town as well, such as Coyne Field. Stu said Coyne field is no longer used, but Bloomfield Park might be another area. Stu said he would send letters to the school committee and parks committee.

### **NIMS Proclamation**

Jo moved to approve an order to have Lamoine become compliant with the National Incident Management System. Richard 2<sup>nd</sup>. **Vote in favor was 4-0.** Stu noted that Selectmen would need some training which can be done via computer.

### **Budget Matters**

Richard noted there was discussion at the last budget committee meeting regarding strategy about paying for large items such as a revaluation. He said he favors saving up for such things instead of coming up with the entire amount all at once. Perry said it seems to be a good idea to start accruing funds for known expenses. Jo noted a salt/sand shed was discussed extensively. Stu noted there was a discussion about contracting the town's road work on a formal basis with one contract. He said that discussion should take place over the winter.

### **Expenditure Warrant 9**

Stu said the big expenses were for the school payroll, school operations, reimbursing the state for a homestead tax overpayment, a salt purchase that would be deducted from the Nankervis payment in December, and several tax abatements granted by the Assessors. Selectmen signed the warrant for \$176,781.89.

### **Cash & Budget Report**

There were no questions.

### **Checking Account Reconciliation**

Selectmen signed the statement expressing satisfaction with their review of the checking account.

### **Mud Creek Road Pole**

Stu said he put notification from Bangor Hydro that they intend to locate a utility pole on Mud Creek Road with the material handed out tonight. There was no action required by the town.

### **Encumbered Funds Report**

Stu said he prepared a report showing where things stand with the funds encumbered last spring. Jo asked what happens to unspent road funds. Stu said they're rolled into the road fund. Cynthia asked if dates could be put on such reports in the future.

### **Capital Needs Schedule**

Selectmen reviewed and discussed a schedule of capital needs in the next 10-years. Stu asked if the format was what they had in mind. Selectmen said it was helpful, and that a similar schedule is needed for the school department.

**E-mail from Terry Towne requesting meeting with State Plumbing Control**

Jo asked if it were proper for the Selectmen to handle the request, or should it go to the Planning Board. Stu said this would not be in the Planning Board's jurisdiction. Dennis Ford said he would call Mr. Stratton from DHHS to try to schedule a meeting for December 15<sup>th</sup>.

**Other**

Voter Accessibility – Cynthia asked about the progress of the accessibility changes at the town hall. Stu said Ralph Murphy is arranging for a rail to be put in along the paved portion of the ramp. He said Excalibur the Electrician will install a pole lamp by the ramp. He said Glenn Crawford decided to raise the hand rails two inches from the bottom instead of adding on to the top. He said he's had no luck reaching any line painting companies to paint a parking area for handicapped parking and the curb on the ramp.

Committee Recognition – Cynthia said it would be helpful to recognize the work of a committee or two in each Lamoine Quarterly. She said she often doesn't know who the committee members are and suggested pictures. Stu said he could put pictures on the website as well.

Fire Ponds – Richard asked if the recent change to the building and land use ordinance regarding fire tanks for subdivisions would allow for a fire pond instead. Dennis Ford said no, they were specifically excluded because of problems with ponds. A short discussion followed.

Notice of Felon possibly moving to town – Richard asked if the notification from the District Attorney's office about a felon from out of state moving to town should be discussed in executive session. Stu said it would be proper to discuss it in open session. Richard said the notice indicated the person might be living on property Richard owns, and he has never heard of the man. Mr. Alvarez asked if it was a sex offender. Stu said it was for bad checks.

**Next Meeting** – Selectmen agreed to meet with the School Building Committee on December 1, 2005 at the school.

There being no further business, the meeting adjourned at 8:37 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.